

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable Lorenzo F. Garcia

CASE NO. CIV 08-1165 RB/DJS

DATE: August 11, 2010

TITLE: *Behzad Salimi v. Los Alamos National Security, LLC*

COURTROOM CLERK: M. Woodward

COURT IN SESSION: 1 p.m. **COURT ADJOURS:** 1:15 p.m. **TOTAL TIME:** 15 min.

TYPE OF PROCEEDING: Telephonic follow up conference re: settlement

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Jerry Todd Wertheim

Randy S. Bartell

PROCEEDINGS:

Court in Session: 1 p.m.

Court: Initiated this telephonic conference to follow up on the Court's letter to counsel. Notes that there a motion to enforce settlement that was filed and was to be decided by Judge Brack. But, on the same day, Plaintiff filed a motion to dismiss, with prejudice, implying that the case might be resolved. Court seeks clarification regarding the status of settlement and whether any disputes remain. Court notes other issues raised in Dr. Salmi's motion included the possibility that a stipulation needed to be filed, whether language needed to be included in the dismissal pleadings retaining jurisdiction to enforce settlement and whether Plaintiff could keep certain documents produced in discovery.

Wertheim: Parties reached settlement, in accordance with the terms of the Memorandum of Understanding. The parties have agreed that no stipulation need be filed. The parties have reviewed the Confidentiality Order entered by Judge Svet, and agree that he retains jurisdiction to resolve certain issues concerning confidentiality of documents produced during discovery and whether they must be returned. The closing documents are to be exchanged today.

Bartell: Agrees that settlement has been reached. Once monies have been exchanged,

the final pleadings can be filed, perhaps by Friday of this week. The issue of retention of documents can be decided by Judge Svet. Plaintiff can submit a proposal and request for relief.

- Court: Advises counsel they may need specific language in the dismissal pleadings if they want the district court to retain jurisdiction to enforce the settlement agreement, should that become necessary.
- Counsel: Do not need the Court to retain this much authority. The only question remaining concerns the Confidentiality Order and documents produced during discovery.
- Court: Agrees that Judge Svet remains the referral judge. Court extends its appreciation to counsel for their professionalism and excellent advocacy on behalf of their clients. Court thanks parties for their good faith efforts in bringing about a full and fair resolution of this case.
- Court: In recess, 1:15 p.m.